

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-007963-001 DT

09/23/2010

HONORABLE KRISTIN HOFFMAN

CLERK OF THE COURT

A. Moore

Deputy

STATE OF ARIZONA

ERIN A OTIS

v.

JOSHUA DAVID OBANNION (001)

DOB: 5/12/1984

DAVID M CANTOR

APO-SENTENCINGS-CCC

APPEALS-CCC

AZ DOC

D & C MATERIALS-CSC

DISPOSITION CLERK-CSC

MCSO-ATTN RECORDS MANAGER

RFR

VICTIM SERVICES DIV-CA-CCC

SENTENCE - IMPRISONMENT AND PROBATION

8:44 a.m.

State's Attorney:	Erin Otis
Defendant's Attorney:	David Cantor
Defendant:	Present
Court Reporter:	Rochelle Dobbins

Kristina Naranjo addresses the Court.

Gary Bankston, Sheila Staub, Kim Merklinger, Carolyn Laco, Judy Javon, Richard Wells, Lynell Johnson and Amanda McGee address the Court.

Counts 1, 5 and 15: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-007963-001 DT

09/23/2010

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 (Amended): Molestation of a Child, a dangerous crime against children in the first degree

Class 2 Felony

A.R.S. § 13-1410, 13-1401, 13-3821, 13-610, 13-604.01, 31-281, 13-702, 13-702.01 and 13-801

Date of Offense: On or about 7/27/2009

Non Dangerous - Non Repetitive

OFFENSE: Count 5 (Amended): Attempted Sexual Conduct with a Minor, a dangerous crime against children in the second degree

Class 3 Felony

A.R.S. § 13-1001, 13-1405, 13-1401, 13-3821, 13-610, 13-604.01, 31-281, 13-701, 13-702, 13-801

Date of Offense: 7/30/2009

Non Dangerous - Non Repetitive

OFFENSE: Count 15: Sexual Conduct with a Minor

Class 6 Felony

A.R.S. § 13-1405, 13-1401, 13-3821, 13-610, 13-604.01, 31-281, 13-701, 13-702, 13-801

Date of Offense: On or between 5/1/2009 and 5/31/2009

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 15 calendar years from 9/23/2010

Presentence Incarceration Credit: 379 days

Mitigated

Community Supervision: Count 1 - Imposed pursuant to A.R.S. § 13-603(I).

IT IS ORDERED suspending imposition of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Count 5: Probation Term: Lifetime

Upon physical discharge from prison for a separate offense in Count 1.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-007963-001 DT

09/23/2010

Count 15 Probation Term: Lifetime

Upon physical discharge from prison for a separate offense in Count 1.

IT IS ORDERED that probation in Counts 5 and 15 shall run concurrently.

Conditions of probation include the following:

Condition 16 - Restitution, Fines, and Fees:

PROBATION SERVICE FEE: Count 5 - \$65.00 per month beginning on a date to be determined.

ASSESSMENTS:

Count 5: PROBATION SURCHARGE: \$20.00.

Count 5: Sex Offender Registration Fee of \$250.00, payable to the Sex Offender Monitoring Fund.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforeponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Additional Monetary Information: Defendant shall pay an Interstate Compact Application Fee of \$300.00

Condition 17 - Not consume or drink any substance containing alcohol.

Condition 18 - Not have any contact with the victim(s) whatsoever, unless approved in writing by the Adult Probation Department.

Condition 22 - Register as a Sex Offender.

Pursuant to A.R.S. § 13-3821(J), notification is made to the Sheriff of Maricopa County, Arizona.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-007963-001 DT

09/23/2010

Condition 23 - Be permitted to apply for Interstate Compact supervision in the state of Ohio.

Condition 24 - Participate and cooperate in any counseling or assistance as directed by the APD as noted in the Uniform Conditions of Supervised Probation.

Condition 25 - Abide by the Special Conditions of Probation as noted on the attachment to the Uniform Conditions of Supervised Probation.

IT IS ORDERED granting the Motion to Dismiss Counts 2 through 4, 6 through 14, and 16 through 31; and the allegation of multiple offenses.

Count 1: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

The Court retains jurisdiction over the issue of restitution.

Pursuant to defendant's request,

IT IS ORDERED sealing the presentence report and the defendant's sentencing memorandum. (Presentence report sealed by the clerk this date; D&C Materials shall seal the sentencing memorandum).

9:43 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-007963-001 DT

09/23/2010

Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE KRISTIN HOFFMAN
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)